

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

BELLSOUTH TELECOMMUNICATIONS, LLC)	
D/B/A AT&T KENTUCKY)	
)	
COMPLAINANT)	CASE NO.
)	2011-00283
V.)	
)	
HALO WIRELESS, INC.)	
)	
DEFENDANT)	

ORDER

On April 16, 2012, BellSouth Telecommunications, LLC d/b/a AT&T Kentucky (“AT&T Kentucky”) filed with the Commission a motion for an expedited procedural schedule in this case. As grounds for its motion, AT&T Kentucky states that this case has been proceeding for approximately nine months and alleges that, over those nine months, Halo Wireless, Inc. (“Halo”) has been sending large volumes of non-wireless traffic over AT&T Kentucky’s network in violation of their interconnection agreement.¹ AT&T Kentucky alleges that, as a result of this violation, Halo owes AT&T Kentucky significant amounts of money that are increasing rapidly.²

AT&T Kentucky notes that this case has been remanded to the Commission by the United States District Court for the Eastern District of Kentucky. In ordering the remand, the District Court relied in part on the fact that the Commission would move expeditiously on remand. The District Court noted that, “[t]he KPSC proceedings are

¹ AT&T Kentucky’s Motion for Expedited Procedural Schedule at 1.

² Id. at 1-2.

also 'capable of timely adjudication,' as counsel for the Commission indicated at oral argument that they would be expedited upon remand."³ AT&T Kentucky argues that this also merits expedited treatment of its complaint against Halo.

AT&T Kentucky also argues that another proceeding at the Commission warrants expedited treatment of its complaint. Currently, several rural local incumbent carriers ("RLEC") have a complaint at the Commission against AT&T Kentucky that involves the same traffic that Halo is sending over AT&T Kentucky's network.⁴ AT&T Kentucky claims that once its complaint against Halo is resolved, the Commission may proceed in Case No. 2011-00199 and resolve the RLECs' claims against AT&T Kentucky.

Based on the foregoing, the Commission finds that sufficient grounds exist to grant AT&T Kentucky's motion for an expedited procedural schedule. IT IS THEREFORE ORDERED that:

1. AT&T Kentucky's Motion is granted.
2. The parties shall follow the procedural schedule provided in the Appendix

to this Order.

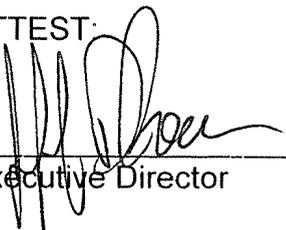
³ In re: Halo Wireless, Inc., Case No. 11-42464-btr-11, U.S. Bankruptcy Court (E.D. Tex.); Ballard Rural Telephone Cooperative Corporation, et al. v. BellSouth Telecommunications, LLC, d/b/a AT&T Kentucky and BellSouth Telecommunications, LLC d/b/a AT&T Kentucky v. Halo Wireless Inc., Case No. 3:11-CV-0058-DCR, U.S. District Court (E.D. Ky.); and BellSouth Telecommunications, LLC d/b/a AT&T Kentucky v. Halo Wireless Inc., Case No. 3:11-CV-0059-DCR U.S. District Court (E.D. Ky.) (Apr. 9, 2012).

⁴ See Case No. 2011-00199, Ballard Rural Telephone Cooperative Corporation, Inc., et. al. v. BellSouth Telecommunications, Inc. d/b/a AT&T Kentucky v. Halo Wireless, Inc., filed May 24, 2011.

By the Commission

ENTERED 
MAY 17 2012
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:



Executive Director

Case No. 2011-00283

APPENDIX

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 2011-00283 DATED **MAY 17 2012**

AT&T Kentucky shall file its Prefiled Direct Testimony May 25, 2012

Halo shall file its Prefiled Response Testimony June 12, 2012

AT&T Kentucky shall file its Prefiled Rebuttal Testimony June 22, 2012

Formal Hearing in Hearing Room 1 of the Commission's
Office shall begin at 10:00 a.m., Eastern Daylight Time
and continue until concluded July 18, 2012

Simultaneous Post-Hearing Briefs 30 Days After Conclusion of the Hearing

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